



Council Report

776 N.E. 125 Street, North Miami, Florida 33161

To: The Honorable Mayor and City Council

From:  Leonard Burgess, Chief of Police

Date: February 10, 2015

RE: PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 21, ARTICLE II, DIVISION 7, SECTION 21-76 OF THE CODE OF ORDINANCES ENTITLED "SCHEDULE OF CIVIL PENALTIES AND FINES", IN THE ATTACHED FORM, TO UPDATE PENALTIES AND FINES FOR CIVIL VIOLATION TICKETS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

RECOMMENDATION

That the Mayor and Council approve the proposed resolution to amend Chapter 21, Article II, Division 7, Section 21-76 of the Code of Ordinance establishing a schedule of civil penalties and fines.

BACKGROUND

On December 10, 2013, the Mayor and City Council of the City of North Miami passed and adopted Ordinance No. 1362, which created Chapter 21 of the City of North Miami Code of Ordinances entitled "Code Compliance." Chapter 21 implemented, in addition to other code enforcement regulations, a schedule of civil penalties and fines for civil violation tickets. It is recommended that the attached schedule be modified to address new violations adopted by recent amendments to Chapters 5 and 12 of the City Code. The amended schedule is a crucial enforcement tool used for curtailing or abating numerous violations of the city code.

Attachments

Proposed Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 21, ARTICLE II, DIVISION 7, SECTION 21-76 OF THE CODE OF ORDINANCES ENTITLED, "SCHEDULE OF CIVIL PENALTIES AND FINES" IN THE ATTACHED FORM, TO UPDATE PENALTIES AND FINES FOR CIVIL VIOLATION TICKETS; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, on December 10, 2013, the Mayor and City Council of the City of North Miami ("City") passed and adopted Ordinance No. 1362 ("Ordinance") which created Chapter 21 of the City of North Miami Code of Ordinances entitled "Code Compliance"; and

WHEREAS, Chapter 21 implemented, in addition to other code enforcement regulations, a schedule of civil penalties and fines ("Schedule") for civil violation tickets; and

WHEREAS, Section 21-76(a) of the City Code of Ordinances provides that the Schedule may be amended from time to time by resolution of the City Council; and

WHEREAS, it is recommended that the attached Schedule be modified to address new violations adopted by recent amendments to Chapters 5 and 12 of the City Code; and

WHEREAS, the Mayor and City Council of the City of North Miami have determined that amending Section 21-76 of the City Code of Ordinances, in the attached form, is imperative for the continued protection of the public's health, safety and welfare.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Amendment to Section 21-76. The Mayor and City Council OF THE City of North Miami, Florida, hereby amend Section 21-76 entitled, "Schedule of Civil Penalties and Fines" in the form attached hereto as Exhibit "1".

Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of February, 2015.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, DO
Vice Mayor Carol Keys, Esq.
Councilperson Scott Galvin
Councilperson Philippe Bien-Aime
Councilperson Marie Erlande Steril

_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)
_____	(Yes)	_____	(No)

Exhibit "1"

TABLE INSET:

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
4-7	No animal kept, harbored, maintained or possessed by any person in the city shall be permitted to run at large or to remain in or upon public or private property.	\$100.00
4-9	It shall be unlawful for any person to own or harbor any animal that disturbs the comfort, repose or peace of any person in the vicinity.	\$100.00
4-10	The cruelty, neglect or abandonment of animals is unlawful.	\$500.00
4-11	Keeping fowl, poultry, wild animals or farm animals is prohibited.	\$100.00
4-12	Feeding wild animals is prohibited.	\$100.00
4-15	Failure to confine dangerous, vicious or fierce animals.	\$150.00
4-16	It is unlawful for any person to refuse to surrender an animal to an animal control officer.	\$500.00
4-17	Unlawful disposal of a dead animal.	\$100.00
4-21	It is unlawful to keep more than four dogs over the age of three months.	\$100.00
4-22(a)	Failure to have current rabies vaccine on a dog or cat.	\$100.00
4-22(b)	It is unlawful to own, possess, keep or harbor an unlicensed dog.	\$100.00
4-23(a),(b)	Failure to have a proper leash, collar or harness.	\$100.00
4-23(c)	Unlawful tethering of a dog.	\$150.00
4-24	It is unlawful to allow one or more dogs or cats to become a public nuisance.	\$150.00
4-25	Failure to remove and properly dispose of fecal matter deposited by a dog on public or private property.	\$100.00

4-26	Failure to confine a female dog during heat (estrus).	\$100.00
4-27	It is unlawful to keep, harbor, maintain or own a pit bull dog within the city.	\$500.00
5-196(b)	Failure to place property address on front footage, rear entrance, or on canal or alleyway frontage.	\$100.00
5-196(c)	Failure to display identification number or letter on the door of each individual apartment or condominium unit.	\$100.00
5-207	Failure to supply a roof with the required finishing materials.	\$100.00
5-229	Failure to remove storm shutters in accordance with city code.	\$250.00
5-14	<u>Failure to pass minimum housing inspection</u>	<u>\$500.00</u>
5-15	<u>Failure to maintain property and dispose of rubbish, waste and other matter in accordance with city code.</u>	<u>\$500.00</u>
5-16	<u>Failure to maintain property, non-dwelling structures and fences in accordance with city code.</u>	<u>\$250.00</u>
5-16(b)	<u>Failure to keep accessory structures on exterior property areas in good repair, free from health, fire and accident hazards and vermin.</u>	<u>\$250.00</u>
5-16(d)	<u>Failure to maintain and paint the exterior of a structure in good repair as required by city code.</u>	<u>\$250.00</u>
5-16(e)	<u>Failure to maintain storm water drainage facilities in good working order.</u>	<u>\$500.00</u>
5-16(h)	<u>Failure to maintain plumbing fixtures and sanitary facilities and equipment, in accordance with city code.</u>	<u>\$250.00</u>
5-17	<u>Failure to maintain stairs, porches, and railings in good repair and structurally sound.</u>	<u>\$250.00</u>
5-3018	Failure to maintain private space in a clean and sanitary condition.	\$250.00
5-18(a)	<u>Failure to maintain in a clean and sanitary condition the shared or public areas of a dwelling and premises.</u>	<u>\$250.00</u>

<u>5-19</u>	<u>Exterior property areas shall be kept free from health, fire and accident hazards so as not to depreciate surrounding property.</u>	<u>\$500.00</u>
<u>5-20</u>	<u>Failure to maintain a structure, used for human habitation, in accordance with city code.</u>	<u>\$500.00</u>
<u>5-21</u>	<u>It shall be unlawful to have loose and unsecured objects and materials on exterior walls, roof or on other parts of a structure.</u>	<u>\$250.00</u>
<u>5-22</u>	<u>Failure to screen exterior windows, doors and other openings as required by city code.</u>	<u>\$100.00</u>
<u>5-23 & 5-24</u>	<u>Failure to maintain landscaping in accordance with city code</u>	<u>\$250.00</u>
<u>5-31</u>	<u>Failure to maintain, non-dwelling structures and fences in accordance with city code.</u>	<u>\$250.00</u>
<u>5-32</u>	<u>Failure to maintain plumbing fixtures and sanitary facilities and equipment, in accordance with city code.</u>	<u>\$250.00</u>
<u>5-33</u>	<u>Failure to dispose of rubbish, waste and other matter in accordance with city code.</u>	<u>\$500.00</u>
<u>5-28(a)</u>	<u>Failure to maintain plumbing systems and fixtures in the manner required by city code.</u>	<u>\$250.00</u>
<u>5-34</u> <u>28(b)</u>	<u>Failure to exterminate rodents, vermin or other pests.</u>	<u>\$250.00</u>
<u>5-28(c)</u>	<u>Failure of keeping supplied amenities and facilities in in proper operating condition.</u>	<u>\$250.00</u>
<u>5-28(d)</u>	<u>Failure to maintain floors, walls, ceilings, and stairs in the manner required by city code.</u>	<u>\$250.00</u>
<u>5-35</u>	<u>Failure to maintain in a clean and sanitary condition the shared or public areas of a dwelling and premises.</u>	<u>\$250.00</u>
<u>5-36</u>	<u>Failure of keeping supplied amenities and facilities in in proper operating condition.</u>	<u>\$250.00</u>
<u>5-28(d)(4)</u>	<u>Failure to keep exterior property areas free from conditions likely to create a health, accident or fire hazard.</u>	<u>\$500.00</u>
<u>5-29(b)</u>	<u>Failure to provide electrical service as required by the Florida Building Code.</u>	<u>\$500.00</u>

5-3729(c)	It is unlawful to discontinue any service, facility, equipment or utility for any occupied dwelling unit.	\$500.00
5-29(d)	<u>Failure to provide cooking facilities as required by city code.</u>	<u>\$250.00</u>
5-38	It is unlawful to occupy a vacant dwelling until it is in good repair, clean, sanitary, in habitable condition and in full compliance with city code.	\$500.00
5-40	Failure to keep exterior property areas free from conditions likely to create a health, accident or fire hazard.	\$500.00
5-41	Failure to maintain storm water drainage facilities in good working order.	\$500.00
5-42	Failure to keep accessory structures on exterior property areas in good repair, free from health, fire and accident hazards and vermin.	\$250.00
5-43	Exterior property areas shall be kept free from health, fire and accident hazards so as not to depreciate surrounding property.	\$500.00
5-44	Failure to maintain stairs, porches, and railings in good repair and structurally sound.	\$250.00
5-45	Failure to maintain a structure, used for human habitation, in accordance with city code.	\$500.00
5-46	Failure to use protective coating on exterior surfaces of a structure as required by city code.	\$250.00
5-47	It shall be unlawful to have loose and unsecured objects and materials on exterior walls, roof or on other parts of a structure.	\$250.00
5-48	Failure to screen exterior windows, doors and other openings as required by city code.	\$100.00
5-49	Failure to maintain and paint the exterior of a structure in good repair as required by city code.	\$250.00
5-50	Failure to maintain floors, walls, ceilings, and stairs in the manner required by city code.	\$250.00

5-51	Failure to maintain plumbing systems and fixtures in the manner required by city code.	\$250.00
5-52	Failure to provide electrical service as required by the Florida Building Code.	\$500.00
5-53	Failure to provide cooking facilities as required by city code.	\$250.00
5-5429(e)	Failure to provide refrigeration equipment or adequate space with utility connections.	\$250.00
5-5230(a)	Failure to comply with occupancy standards as required by city code.	\$500.00
5-5630(b)	Unlawful use of rooms.	\$250.00
5-5730(c)	Unlawful subdivision of habitable rooms by an installed partition or divider.	\$500.00
5-5831	Property with defects constituting dwelling unfit for human habitation.	\$500.00
5-6032(a)	Construction or work without a permit.	\$500.00
5-32(a)	<u>Failure to display permit</u>	<u>\$100.00</u>
9-10(c)	Failure to use the required garbage can, container, or dumpster for city garbage disposal.	\$100.00
9-10(d)	Failure to provide private waste collection service with a minimum collection frequency of 2 times per week.	\$100.00 <u>\$250.00</u>
9-10(e),(f)	Failure to provide a dumpster with a minimum collection frequency of 2 times per week.	\$100.00
9-10(f)	Failure to maintain minimum required dumpster capacity.	\$200.00
9-10(h)	Failure of private waste collector to remove garbage container when required to do so by the city.	\$100.00
9-12(a)	Placing or storing a dumpster upon a swale area or upon a public right of way is prohibited.	\$150.00
9-12(b)	It is unlawful not to provide a city approved dumpster enclosure.	\$200.00

9-12(b)(1)	Failure to maintain secured dumpster enclosure.	\$50.00
9-12(b)(2)	Failure to maintain dumpster enclosure gates or doors closed.	\$50.00
9-12(d)	It is unlawful to collect trash or garbage between the hours of 10:00 p.m. and 7:00 a.m.	\$500.00
9-13(a)	It is unlawful to place bulk trash in open containers.	\$150.00
9-13(b)	It is unlawful for a contractor or landscaper to leave tree trimmings and/or tree trunks for the city to collect.	\$150.00
9-13(c)	It is unlawful to place bulk trash at curbside earlier than 24 hours prior to its collection.	\$100.00
9-13(d)	It is unlawful to use a dumpster which contains defects.	\$100.00
9-14(a)	It is unlawful to commingle garbage with bulk trash.	\$100.00
9-15(c)	Illegal disposal of garbage, garden trash or any other waste.	\$500.00
9-16(a)	Failure to remove accumulation of garbage within the time prescribed by the city.	\$250.00
9-16(c)	It is unlawful to have overflowing dumpsters and/or littered enclosures.	\$250.00
9-18	Failure to drain garbage of liquids or not wrapping the garbage in a paper or plastic bag.	\$100.00
9-19(a)	Failure to relocate garden trash for proper disposal within the time prescribed by the city.	\$100.00
9-19(b)	Failure to modify the height/weight of tree trunks or branches for proper city disposal.	\$100.00
9-19(d)	Failure to bag or otherwise properly dispose of landscaping debris.	\$150.00
9-20	It is unlawful to dispose or commingle dangerous materials or hazardous waste with garbage or bulk trash.	\$500.00
9-32(a)	Failure of private waste collector to properly mark or	\$100.00

identify its vehicles and/or garbage containers.

9-35	It is unlawful to conduct business within the city without a current business tax receipt.	F.S § 205.053
9-37(c)	Failure to file a placement permit application prior to placing a container within the city.	\$250.00
9-37(d)	Failure of private waste collector to service and sanitize garbage container.	\$100.00
9-37(e)	Failure of private waste collector to remove overflowing roll-off container after notification from the city to do so.	\$250.00
9-37(f)	Failure of private waste collector to remove garbage container from a closed commercial establishment.	\$250.00
9-37(g)	Failure of private waste collector to notify city of interruption of garbage collection service.	\$100.00
10-19(a)	Illegal to keep, park, store, or allow any derelict, junk, wrecked, inoperable, or dismantled motor vehicle or other materials.	\$250.00
10-19(b)	Commercial areas are restricted to one (1) inoperable vehicle or boat while being repaired.	\$250.00
10-21	Illegal to keep, park, store, or allow any junk or derelict, wrecked, inoperable, or dismantled vehicle on public property.	\$250.00
11-19	Procurement of business tax receipt is required prior to engaging in business, profession or occupation.	\$500.00
11-21	False statements given in the procurement or use of a business tax receipt.	\$500.00
11-24	Failure to pay business tax receipt when due.	F.S. § 205.053
11-26	Failure to post business tax receipt on the premises.	\$ 50.00
11-126	It shall be unlawful for any person to place any merchandise for sale on public right-of-ways.	\$100.00
11-212	It is unlawful to tow motor vehicle(s) from property, without first obtaining a license.	\$100.00
12-4(a)	Illegal to maintain pool water whereby the clarity does not allow visibility from water surface to the pool bottom.	\$500.00

12-4(e)	Prohibited to construct, alter or maintain a swimming pool without a fence, barrier or safety devices.	\$500.00
12-458	It is unlawful to dump, dispose of or otherwise place in any canal, bay or waterway any trash, debris, garbage or waste.	\$500.00
12-469	Swale areas in the residential districts shall be maintained by the adjacent property owner.	\$100.00
12-4710	Swale areas must be kept free from any debris, trash, litter and or any discarded materials.	\$100.00
12-22(a)	<u>Illegal to maintain pool water whereby the clarity does not allow visibility from water surface to the pool bottom.</u>	<u>\$500.00</u>
12-22(c)	<u>Prohibited to construct, alter or maintain a swimming pool without a fence, barrier or safety devices.</u>	<u>\$500.00</u>
14-16	It is unlawful to operate any boat or watercraft above posted speed limit or in a manner as to endanger life or property.	\$150.00
17-22(c)	It is unlawful to place pyramid, cinder blocks, steel, or similar devices in the dedicated right-of-ways.	\$100.00
17-76	The fill, excavation or alteration in any way of the natural grade of the land shall require necessary permits.	\$500.00
20-16	It is unlawful to dispense injurious substances around trees.	\$500.00
20-17	It shall be unlawful to cut down, destroy, remove or move any tree without first obtaining a permit.	\$500.00
20-22	Failure to satisfy tree removal permit conditions.	\$250.00
20-27	Failure to provide tree protection in accordance with city code.	\$250.00
20-29	It is unlawful for any person to abuse a tree.	\$500.00
29-4-202, 29-4-302	Use of property not specifically permitted in the zoning district.	\$250.00
29-3-212	Failure to obtain the required certificate of use.	\$250.00
29-5-102.A	In multiple family dwellings, balconies shall not be used for	\$100.00

	storage, laundry drying, cooking, barbecuing, or as sleeping quarters.	
29-5-103.D	Existing, unattached, covered carport structure structures shall have a maintained cover on at all times.	\$100.00
29-5-601.E	Improperly mooring a boat is prohibited.	\$150.00
29-5-601.F.2	It shall be unlawful to moor any boat found to be unsightly or in badly deteriorated condition.	\$150.00
29-5-901.B	Installation of a fence using prohibited materials.	\$250.00
29-5-901.F	All exterior or inside masonry walls viewed from adjacent property or public right-of-way must be of stucco and paint finish.	\$150.00
29-5-1401.F.2	No parking shall be located on the lawn in the front yards of homes.	\$50.00
29-5-1406.A	No recreational vehicle, trailer, camper, truck, van or bus shall be used for human habitation.	\$100.00
29-5-1406.B	No recreational vehicle or un-mounted boat in a state of disrepair or partial disrepair shall be parked upon any residential zone.	\$100.00
29-5-1406.C	No recreational vehicle or bus shall be stored or parked upon a street or public right-of-way, park or public land.	\$100.00
29-5-1406.D	No truck in excess of one (1) ton load capacity shall be stored or parked in any residential area of the city, unless actively engaged in the loading or unloading of materials.	\$250.00
29-5-1406.E	No bus shall be stored or parked in any residential area of the city.	\$250.00
29-5-1406.F	No wrecker shall be maintained, parked or stored in any single-family zoning districts.	\$250.00
29-5-1502	Sign displayed or erected not in compliance with city code.	\$250.00
29-5-1610	Short-term rental of single family dwelling more than four (4) times in a twelve-month period.	\$500.00

Additions shown by underlinings, and deletions shown by ~~overstriking~~